

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper ~~160~~ 31

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

RICHARD R. BOTT and ANDREW SHAW

Junior Party
(Patent 5,763,385)

v.

ALLEN SVENDSEN, HENRIK BISGARD-FRANTZEN,
and TORBEN BORCHERT

Senior Party
(Application 09/327,563)

Patent Interference No. 105,206 (JTM)

Judgment - Request For Adverse - Bd.R. 127(b)

Before TORCZON, LANE, and MOORE, *Administrative Patent Judges*

Bott has filed paper 165, which is a request for adverse judgment.

Upon consideration of the Request for Adverse Judgment, it is hereby:

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BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDERED that judgment on priority as to Count 3 (Paper 154, page 4)¹ is awarded against Junior Party Richard R. Bott and Andrew Shaw.

FURTHER ORDERED that Junior Party Richard R. Bott and Andrew Shaw is not entitled to a patent containing Bott claims 1 through 28 (corresponding to Count 3)(Paper 155, page 2)².

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/327,563 and patent 5,763,385.

FURTHER ORDERED that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666] regarding the filing of settlement agreements.

/Richard Torczon/
ADMINISTRATIVE PATENT JUDGE

/Sally Gardner Lane/
ADMINISTRATIVE PATENT JUDGE

/James T. Moore/
ADMINISTRATIVE PATENT JUDGE

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¹ Count 3 is “[a] composition of matter in accordance with any one of claims 192, 214, 215, 216, 217, or 218 of Svendsen application 09/327,563.”

² Paper 155 corrected the correspondence of Bott’s claims 1-28, omitted from Paper 154, as corresponding to Count 3.

cc (via fax):

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